



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

Council Chambers – 100 Civic Center Drive
Wednesday, April 10, 2013 – 6:00 PM

Harbor Commission Members:

Doug West, Chair
Karen Rhyne
Ralph Rodheim

Brad Avery
Paul Blank

Duncan McIntosh
David Girling

Staff Members:

Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison:

Nancy Gardner

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 6) **APPROVAL OF MINUTES from February 13, 2013**
- 7) **CURRENT BUSINESS**

A. Potential Anchorage Area West of Lido Isle

The Harbor Commission will review the recent temporary anchorage that was located near the western tip of Lido Isle as a result of the Lower Bay Dredging Project. Specifically, the Commission's subcommittee will be reviewing the effectiveness of the anchorage at this location, and whether or not it is worth pursuing a future temporary or permanent anchorage at this location. No decisions on this topic will be made this evening.

RECOMMENDATION:

Receive and file.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

- 8) SUBCOMMITTEE REPORTS
- 9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES
- 10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES
- 11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER
- 12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)
- 13) DATE AND TIME FOR NEXT MEETING: Wednesday, May 8, 2013, 6:00 PM
- 14) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, February 13, 2013
6:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery
Paul Blank
David Girling

Absent (Excused): Duncan McIntosh
Karen Rhyne
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager

Council Liaison: Council Member Nancy Gardner

3) PLEDGE OF ALLEGIANCE – Doug West

4) PUBLIC COMMENTS

Chair West invited those interested in addressing the Commission to do so at this time.

Duffy Duffield distributed information to the Commission regarding alternative methods of storing boats on moorings. He requested placing the item on the Commission's agenda for next month's meeting.

Steve Kent, Vice President of Kent Events and Tours, distributed information to the Commission and spoke regarding the possibility of establishing Newport Beach as a port-of-call for cruise ships. He reported identifying several public docks as being available to be used by tenders. He noted that additional information can be obtained at www.kenteventsandtours.com. Mr. Kent stated that the next step is to convince major cruise lines to use Newport Beach as a port-of-call and he noted that this must come from the City or the Port Authority. Additionally, he commented on an upcoming Annual Cruise Shipping Convention in Miami, Florida and addressed the costs related to participate in the Convention. He hoped that the Commission would support the efforts to have Newport Beach as a port-of-call.

In response to an inquiry from Chair West, Mr. Kent reported contacting the City Manager regarding the matter. Chair West suggested that he contact Gary Sherwin, the Executive Director of Visit Newport Beach.

Council Member Gardner added that Council would want input from the Harbor Commission regarding this matter, that the Commission cannot make a determination on this item tonight, since it is not on the agenda and that it will not meet again until March, after the Convention.

Chair West suggested placing the item on next month's agenda for discussion and consideration.

Harbor Resources Manager Chris Miller indicated that the City's Community Development Department as well as the Director of Public Works would be interested in receiving information as well.

5) APPROVAL OF MINUTES from January 9, 2013

Harbor Resources Manager Miller noted that only the Study Session minutes can be approved at this time.

Motion: Commissioner made a motion to approve the minutes of the Harbor Commission study session of January 9, 2013, as submitted. Commissioner seconded the motion, which carried with 4 ayes and 3 absent (McIntosh, Rhyne, Rodheim). Approved.

6) CURRENT BUSINESS

1. *2222 Channel Road*

The applicant at 2222 Channel Road proposes installation of dock system outside of the setbacks as defined by the Newport Beach Municipal Code.

Recommendation:

1. The Harbor Commission approves the proposal to install the dock system outside of the 5 foot setbacks; or
2. The Harbor Commission denies the proposal to install the dock system outside of the 5 foot setbacks.

Harbor Resource Manager Miller provided details of the report including background and previous approval in concept of the proposed project by Harbor Resources. He addressed location and existing conditions and reported that the applicant presented the plan to other regulatory agencies which denied the project as approved by Harbor Resources because of existing eelgrass. He added that the Coastal Commission would not entertain the idea of mitigation on the matter. He added that the property owner has been working with Shall Maker to redesign a dock that would have minimal impact to eelgrass. Mr. Miller presented an example of the concept noting that it has yet to be fine-tuned.

Mr. Miller stated that the applicant is seeking an exception to the City's rule regarding five-foot setbacks for docks. He explained the rule and reported that in order for the applicant to proceed with the Coastal Commission, they must first obtain approval of the revised concept from the Harbor Commission. He added that the applicant has communicated his plans with the neighbors. Mr. Miller reported that as a general rule, he supports the applicant's plan of going to the property line because it does not affect the neighbors and there is no ingress/egress issue.

Discussion followed regarding the purpose of setbacks, the adjacent neighbor docks and the ability of fitting the proposed dock into the available space.

Mr. Miller reported that one of the adjacent neighbors has indicated the he would accept a three-foot encroachment into the property line. Mr. Miller added that the Commission is being asked to approve the proposal to install the dock system outside of the 5 foot setbacks.

Chair West invited the applicant to address the Commission.

John Abell, Applicant, explained the original process and addressed measures proposed to the Coastal Commission in order to mitigate eelgrass. He noted that the Coastal Commission indicated they would not approve the plan. The Coastal Commission subsequently denied several revised plans and Mr. Abell reported meeting with Mr. Miller to develop solutions. A concept was eventually approved by the Coastal Commission with a condition that he obtains an approved lay-out from the Harbor Commission. He addressed the location of adjacent docks and stated that maneuverability is not an issue. Mr. Abell reported that his neighbors support the proposed project.

Discussion followed regarding whether the proposal includes a zero or three-foot setback, the possibility of shortening the gangway, the position of the boat at dock and approval of the revised concept by the Coastal Commission.

It was noted that similar projects have been approved by the Harbor Commission and that this is not a precedent-setting ruling.

Ensuing discussion followed regarding the current and proposed site configurations and evaluation of each property on a case-by-case basis by the Harbor Commission and Harbor Resources Department.

Mr. Miller referenced an email dated February 12, 2013, from Dale Franciscan, Mr. Abell's neighbor at 2226 Channel Road, indicating that Mr. Abell has agreed to reduce the width of the proposed pier so that the outermost point would be setback three feet from the prolongation of their joint property line. The author stated no objection to the proposed plan with the stated change.

Mr. Abell reported that whatever is approved by the Harbor Commission must be presented to the Coastal Commission for their subsequent approval.

Members of the Commission commended Mr. Abell for his efforts to accommodate the requirements of the Harbor and Coastal Commissions.

Interested parties were invited to address the Commission on this item.

Jim Mosher wondered if a float is synonymous with a slip and inquired regarding the configuration of Mr. Franciscan's dock.

Mr. Miller reported that often terms as slips, floats and docks are interchanged and stated that he is unaware of when Mr. Franciscan's dock was built but added that is not the issue before the Commission at this time.

There being no others wishing to address the Commission, Chair West closed public comments for this matter.

Mr. Miller stressed that the decision at this time does not go forward to any other property in the harbor.

Motion: Commissioner made a motion to approve the plan as presented, subject to the southern neighbor's request to setback three feet and that the final design of the dock corresponds to what was presented. Commissioner seconded the motion, which carried with 4 ayes and 3 absent (McIntosh, Rhyne, Rodheim). Approved.

2. *Stand Up Paddle Boarding in Newport Harbor*

Commissioner Blank will report on his research on stand up paddle boarding in Newport Harbor.

Recommendation:

1. The Harbor Commission does not recommend additional restrictions related to stand up paddle boarding in Newport Harbor; and
2. The Harbor Commission recommends, with the help of community volunteers and professionals, conducting a public event in the near future on the subject of water and stand up paddle board safety in Newport Harbor.

Commissioner Blank provided details of a PowerPoint presentation addressing the issue, approach, existing ordinances, location of the Main Channel and Harbor entrance, role of the Harbor Patrol and enforcement, details of a proposed forum on SUP safety in Newport Harbor, conclusions and recommendations.

Interested parties were invited to address the Commission on this matter.

Letty Giang reported speaking with ExplorOcean representatives and that April 7th and 13th are available.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Members of the Commission commended Commissioner Blank for his work and efforts on this matter.

Motion: Commissioner made a motion to not recommend additional restrictions related to stand up paddle boarding in Newport Harbor; and with the help of community volunteers and professionals, conducting a public event in the near future on the subject of water and stand up paddle board safety in Newport Harbor. Commissioner seconded the motion, which carried with 4 ayes and 3 absent (McIntosh, Rhyne, Rodheim). Approved.

Council Member Gardner wondered how the issue will be reported to Council.

Chair West reported that the Harbor Commission will communicate the matter to Council in consultation with Council Member Gardner.

7) SUBCOMMITTEE REPORTS

Commissioner reported that he has been working with Commissioners Avery and Rhyne in consideration of developing the Lower Castaways parcel and addressed community outreach. He addressed background and easements and restrictions within the grant deed including a wireless telecommunications easement, expiration of a use by an existing company of the property and restrictions related to developing a commercial boat marina on the property. He addressed levels of General Plan zoning designations of the property and provided development restrictions under each. He presented examples of some of the ideas generated and reported that the Sub-Committee would like to hold a study session in order to obtain additional public input and ideas before the Commission's next meeting.

Discussion followed regarding the possibility of developing a boat launch on the property, an emergency ramp or creating a hub for biking, hiking and boating, boat storage, a community garden, parking overflow, or a staging area for various events.

Council Member Gardner commented on an existing agreement with the County relative to events held by the Dunes and possible challenges.

Discussion followed regarding the possibility of having the Commission hold a study session or the Sub-Committee noticing a meeting. It was noted that this will be an on-going process.

Ensuing discussion followed regarding the logistics for scheduling a study session prior to the Commission's meeting on March 13, 2013. Staff was directed to schedule a study session on March 13, 2013 at 4:30 p.m.

Chair West reported that the RGP-54 Sub-Committee has been working closely with Harbor Resources and that progress is being made.

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Council Member Gardner congratulated Mr. Miller on the success of the dredging project and reported receipt of a letter from the Army Corps of Engineers commending Mr. Miller and the City for the work. She added that Council approved the new way of accounting for Tideland Management Funds so that all of the new increases will go into a special fund to be used just on the harbor.

9) HARBOR RESOURCES UPDATE – Receive and File

Mr. Miller reported that the dredging project has concluded and that a survey will be finalized shortly. He addressed work to be done on the City's end and reported on other private dredging in the area.

He addressed distribution of dock rental invoices and announced upcoming Open Houses.

In response to an inquiry from the Commission, Mr. Miller presented information on how to access the City's GIS link on the website.

Regarding RGP-54, Mr. Miller addressed funds allocated by Council in order to hire a consultant to develop a sampling and analysis plan, assemble an application for the next version of the RGP and initiate negotiations with applicable agencies. Mr. Miller reported that the Coastal Resources Management contract has been executed to begin surveying areas of eelgrass. He addressed an upcoming meeting to discuss the City's plan with various agencies.

Discussion followed regarding the allowable dredging areas for private docks. Mr. Miller reported that recent private projects have been done under individual permits.

Ensuing discussion followed regarding the process for handling a high spot on the main navigational channel.

Chair West requested that staff provide a full report to Council of the accomplishments made with the dredging project.

Mr. Miller reported that a presentation will be made to Council in the near future and reported on the possibility of a celebratory event.

Mr. Miller addressed replacement of pump-out stations.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

Chair West invited those interested in address the Commission on this matter to do so at this time.

Jim Mosher commented on the Lower Castaways study session and added a possible conflict with the Balboa Village Advisory Committee meeting. Additionally, he felt that suggested uses for the property may need to be presented to the Parks, Beaches and Recreation Commission. Regarding sub-committees, he addressed an upcoming item within Council's agenda from the Arts Commission and stated that if sub-committees do not have a mission or ending date, they become standing committees that must be publicly noticed.

There being no others wishing to address the Commission, Chair West closed public comments for this matter.

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Chair West noted items to be placed on the next agenda as discussed above.

12) DATE AND TIME FOR NEXT MEETING:

Wednesday, March 13, 2013

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:47 p.m.



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
April 10, 2013

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Potential Anchorage Area West of Lido Isle

ABSTRACT:

The Harbor Commission will review the recent temporary anchorage that was located near the western tip of Lido Isle as a result of the Lower Bay Dredging Project. Specifically, the Commission's subcommittee will be reviewing the effectiveness of the anchorage at this location, and whether or not it is worth pursuing a future temporary or permanent anchorage at this location. No decisions on this topic will be made this evening.

RECOMMENDATION:

1. Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

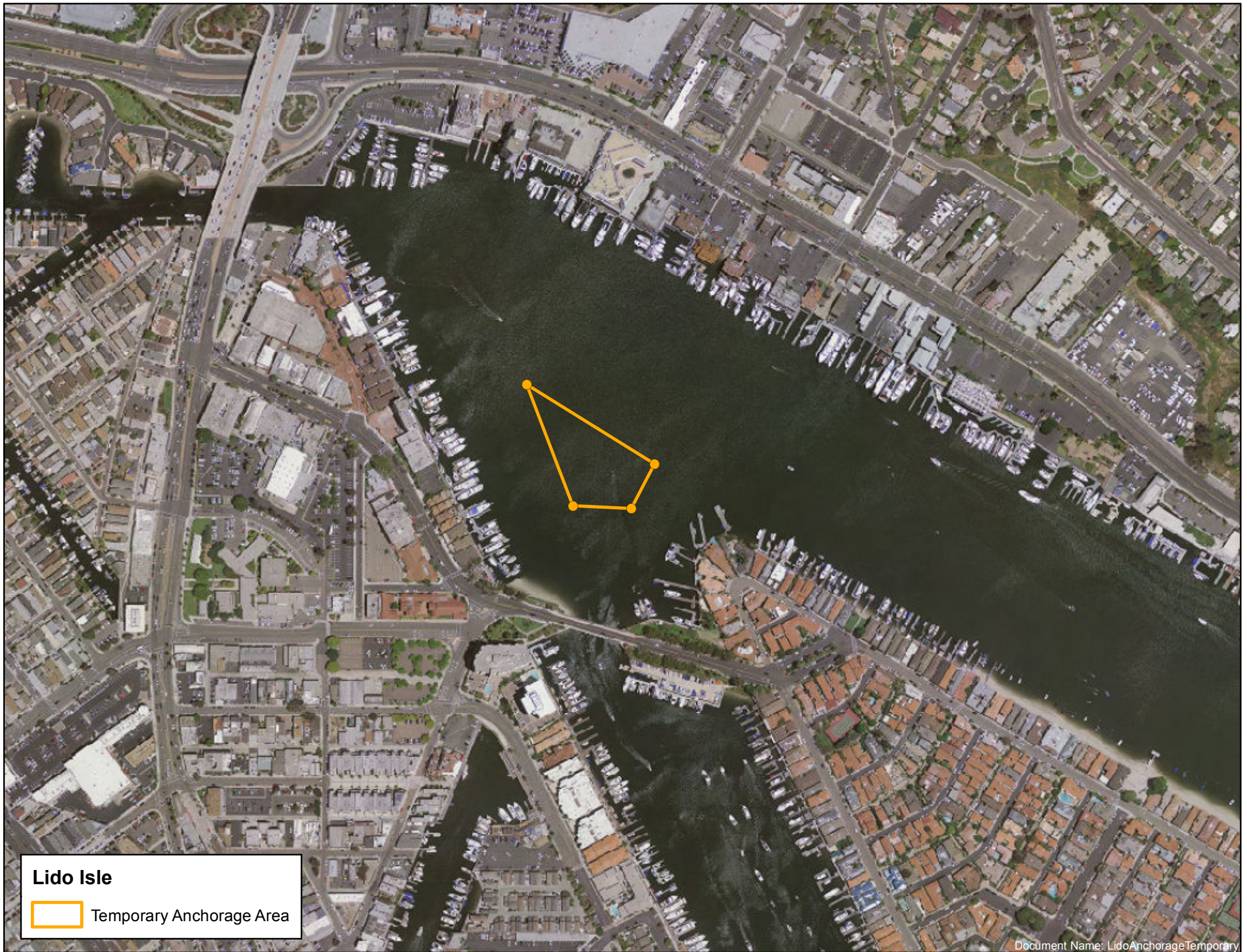
The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:


Chris Miller

Attachment: A. Vicinity Maps





Lido Isle



Temporary Anchorage Area

